SUPREME COURT, U. S.

FILED
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E. ROBERT SEAVER, CLERK

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1970

No. 856

JANEY T. GREENSPUN, *Petitioner*,

v.

THE STATE OF NEVADA; JOHN KOONTZ, SECRETARY OF STATE, STATE OF NEVADA; AND THOMAS MULROY, REGISTRAR OF VOTERS OF CLARK COUNTY, STATE OF NEVADA, *Respondents*.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

MEMORANDUM OPPOSING CERTIORARI

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Attorney for Respondents
THE STATE OF NEVADA AND
JOHN KOONTZ, SECRETARY OF
STATE, STATE OF NEVADA

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Respondents State of Nevada and John Koontz, Secretary of State, State of Nevada, represent to the Court as follows:

Petitioner instituted this action to secure her right to vote in the presidential election of 1968. At that time, Petitioner was over eighteen years of age and under twenty-one years of age. By the time the next presidential election will take place, Petitioner will

be over twenty-one years of age. This proceeding is therefore moot.

Even if this proceeding is not moot by reason of the attainment by Petitioner of the age of majority, it is moot by reason of the enactment of the Voting Rights Act Amendments of 1970, Public Law 91–285, 84 Stat. 314. The pertinent provisions thereof are set forth in the Appendix. The Act affords relief which is broader than that sought by Petitioner in this case, and forecloses any contention that this issue will be a recurring one.

Therefore, it appears that Petitioner's application for writ of certiorari should be denied.

Respectfully submitted,

HARVEY DICKERSON
Attorney General of Nevada
Supreme Court Building
Carson City, Nevada 89701

By ROBERT A. GROVES
Deputy Attorney General

November 6, 1970.

APPENDIX

TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

Declaration and Findings

Sec. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) Denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

(3) does not bear a reasonable relationship to any compelling State interest.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

Prohibition

Sec. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.